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### REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment, as the number of independent claims has not changed, and the total number of claims has not changed.

### Telephone Interview Summary

Applicants thank the Primary Examiner for his time during a telephone interview with the undersigned on 08 September 2005. Applicants argued that the Examiner did not properly consider the claims, as the Examiner did not consider the term "acceleration demand" in view of Applicants' explicit definition at page 16, first paragraph, of Applicants' Specification. The Examiner said this definition has no bearing on the claim language as the definition is not present in the claim. The Examiner said the only way to receive consideration of the claims in view of the definition was to amend the claims to include the definition. While Applicants disagree with the Examiner's understanding of the law in this regard, Applicants agreed to amend the claims as the Examiner indicated to expedite prosecution and avoid an appeal.

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Applicants also asked why Claim 21 was not considered. The Examiner said it was an unintentional oversight. Applicants requested the finality of the Office Action be withdrawn after filing a written response thereto to allow the proper consideration of timely added Claim 21. The Examiner indicated he would withdraw the finality of the Office Action and consider Claim 21 and amended Claims 1 and 12.

Applicants request the Examiner contact the undersigned by telephone if any further issue exists.

#### **Amendment to the Claims**

Applicants amended Claims 1 and 12 to clarify the meaning of the term "acceleration demand" for the Examiner. This Amendment does not narrow the scope of the claims, as the added language was previously implicitly present in the claims by the definition at page 16, first full paragraph, of Applicants' Specification.

#### **The Finality of the Office Action**

The finality of this Office Action should be withdrawn to allow proper consideration of the previously and timely added Claim 21. The Examiner agreed to withdraw the finality of the Office Action upon receiving this written response from Applicants.

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Furthermore, Applicants maintain the position that the other claims were not properly considered by the Examiner for reasons discussed above and further below. Applicants respectfully suggest that the next Office Action, if any, also not be made final to allow Applicants an appropriate opportunity to respond to the Examiner's first proper consideration of the claims. While Applicants do not desire to inconvenience the Examiner, Applicants request a fair opportunity to prosecute this Patent Application.

#### **Claim Terms Defined in the Specification**

As discussed above, the Primary Examiner does not agree with Applicants' position that a claim including a term defined in the Specification is to be considered in view of the provided definition, not the examiner's broadest meaning. To expedite prosecution, Applicants direct the Examiner to MPEP 2173.05(a), which states:

When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

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**Claim Rejections - 35 U.S.C. §102**

The rejections of Claims 1, 4-12, and 15-20 under 35 U.S.C. §102(b) as anticipated by Oba et al., U.S. Patent 6,176,807, Barrett, U.S. Patent 5,701,062, and Yamaguchi et al., U.S. Patent 5,865,263, are respectfully traversed.

In order to anticipate Applicants' claimed invention, the above prior art references must teach each and every limitation of Applicants' claimed invention. Applicants' claimed method recites "determining an acceleration demand of [a] combustion engine," and also includes powering an electromagnetic motor/generator in proportion to the determined acceleration demand. The acceleration demand is an amount of power needed to overcome at least one of a frictional force and a nonlinear hydrodynamic force within the combustion engine. The claimed method uses the electromagnetic motor/generator to increase the rotational speed of the crankshaft to increase the acceleration rate of the combustion engine. None of the cited references teach or suggest Applicants' claimed method.

**The Oba et al. Patent**

The Oba et al. Patent discloses a drive control system for a hybrid vehicle. The electric motor in the Oba et al. Patent is used as a "motive force source," i.e., the electric motor moves the vehicle (Col. 2, lines 51-55). The electric motor is

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used to move or accelerate the vehicle in response to the pressing of the accelerator pedal (Col. 7, lines 56-67). The drive control system of the Oba et al. Patent is different from Applicants' claimed invention. The Oba et al. Patent, while using an electric motor to accelerate a vehicle, does not disclose or suggest using an electromagnetic motor/generator to increase the acceleration rate of an operating combustion engine. The Oba et al. Patent also does not disclose or suggest determining an acceleration demand of a combustion engine, as in Applicants' claimed invention. The recited acceleration demand of the combustion engine, is not the same as the acceleration of the vehicle, as in the Oba et al. Patent.

The Oba et al. Patent does not disclose or suggest at least the above discussed limitations of Applicants' claimed invention.

#### **The Barrett Patent**

The Barrett Patent discloses a pulsing drive system including a plurality of electric motors (Abstract). Like the Oba et al. Patent, the Barrett Patent discloses using the electric motors to power or accelerate a vehicle (Col. 2, lines 48-67) The "acceleration demand" of the Barrett Patent is the acceleration demand of the vehicle to increase traction or drive power to move the vehicle faster (*Id.*). The Barrett Patent does not disclose or suggest using an electromagnetic motor/generator to increase the

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acceleration rate of a combustion engine. The Barrett Patent also does not disclose or suggest determining an acceleration demand of a combustion engine, as recited in Applicants' claimed invention.

The Barrett Patent does not teach or suggest at least the above discussed limitations of Applicants' claimed invention.

#### **The Yamaguchi et al. Patent**

The Yamaguchi et al. Patent discloses a hybrid vehicle that uses an electric motor to place the vehicle in motion (Col. 5, lines 43 and 52-55). A generator/motor 3 is used to start the engine at a predetermined speed (Col. 5, lines 43-46; Col. 6, lines 14-18). The generator/motor 3 of the Yamaguchi et al. Patent is in the generation mode until the engine needs to be started. The generator/motor 3 provides starting torque to start the engine, but the Yamaguchi et al. Patent does not teach or suggest determining an acceleration demand of the running engine and powering the generator motor in proportion to the acceleration demand, as in Applicants' claimed invention.

Thus, the Yamaguchi et al. Patent also does not teach or suggest all limitations of Applicants' claimed invention.

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As none of the cited prior art references teach or suggest determining an acceleration demand of a combustion engine and powering an electromagnetic motor/generator in response to the determined acceleration demand, none of the references anticipates Applicants' claimed invention. Favorable reconsideration and withdrawal of all the anticipation rejections are requested.

#### **Claim Rejections - 35 U.S.C. §103**

The rejections of Claims 2, 3, 8, 9, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over each of Oba et al., U.S. Patent 6,176,807, Barrett, U.S. Patent 5,701,062, and Yamaguchi et al., U.S. Patent 5,865,263, are respectfully traversed. Claims 2, 3, 8, 9, 13, and 14 depend from one of independent Claims 1 and 12, respectively, and are thus patentable for at least the same reasons discussed above.

Furthermore, the prior art references cited by the Examiner disclose hybrid vehicles that incorporate an electric motor to accelerate the vehicle. As discussed at page 3, first full paragraph, of Applicants' Specification, the electric motors used to accelerate a vehicle are large machines generally having capacities of 10 kilowatts or greater in connection with 100 volt or higher battery systems. Applicants' recited kilowatt capacities and lower voltage battery systems would not

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have been obvious to one skilled in the art in view of the larger hybrid vehicle systems which are designed to reduce the use of the combustion engine.

Applicants' claimed invention does not use an electric motor as a substitute for the combustion engine. The method of Claims 2, 3, 8, 9, 13, and 14 (and also new Claim 21) uses a lower capacity electromagnetic motor/generator, i.e., an integrated starter/alternator, to increase the acceleration of the (already running) combustion engine itself, not the vehicle.

The prior art references cited by the Examiner use an electric motor to move a vehicle and/or start a combustion engine in a moving hybrid vehicle. None of the cited references teaches or renders obvious Applicants' use of an electromagnetic motor/generator to increase the acceleration rate of a running combustion engine after determining an acceleration demand of the engine.

Favorable reconsideration and withdrawal of all the anticipation rejections are requested.

### **Claim 21**

Claim 21 recites the electromagnetic motor/generator is an integrated starter/alternator having a capacity of about 2 kilowatts to about 6 kilowatts. The cited references do not teach or suggest using an integrated starter/alternator to



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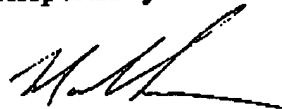
increase the rotational speed of the crankshaft and increase the acceleration rate of the combustion engine.

### Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not resolved in this response, Applicants' undersigned attorney requests an additional telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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